

SUMMARY OF REGULATORY FRAMEWORK FOR GROUP HOME LICENSING

I. GENERAL PROCESS FOR GROUP HOMES PROPOSALS:

GOVERNOR'S OFFICE FOR CHILDREN (GOC) IS THE SINGLE POINT OF ENTRY

Authority: COMAR, Title 14, Subtitle 31, Chapter 2 (Interagency Coordination).

Note: this is just a summary of key regulations; full regulations are laid out in COMAR 14.31.02.01 – 14.31.02.09.

DOES THE SINGLE POINT OF ENTRY PROCESS APPLY ONLY TO GROUP HOMES?

- No. In fact, "group home" is not defined in the Single Point of Entry regulations. These regulations apply to "residential child care providers," defined in regulation as "a program of care provided in a residential setting by a provider on a 24-hour basis for longer than 24 hours to a child or children unless otherwise provided by State law." COMAR 14.31.02.03.B(13). Note, though, that "group home" is defined later in the licensing and monitoring regulations as "a facility owned, leased, or operated, by a licensee that provides: (a) Residential services for youths such as care, diagnosis, training, education, and rehabilitation, and (b) a group living experience." COMAR 14.31.05.03.B(16).

WHAT IS GOC'S MANDATED ROLE, AS THE SINGLE POINT OF ENTRY?

- To provide information to prospective residential child care providers, accept proposals for programs, serve as a point of registration for existing programs to expand, and designate a licensing agency to process completed proposals. COMAR 14.31.02.04(B)
- GOC also coordinates shares information among agencies about (1) program monitoring schedules; and (2) sanctions or corrective action plans imposed by an agency on a provider. COMAR 14.31.02.04(C)

WHAT MUST A PROVIDER'S PROPOSAL FOR A NEW PROGRAM INCLUDE?

- Detailed explicit requirements are set forth in COMAR 14.31.02.05. Requirements include (but are not limited to): program description; program needs assessment (including: needs assessment methodology, results of needs assessment, and need for type of program or facility proposed; and criteria for selecting program location); program activities; experience; therapeutic services; family involvement strategies; education plan (including: documentation of collaboration with local school system in enrollment and education, the extent of participation in the child's educational activities; and notice of the provider's intent, if any, to operate an educational program within the residential program's facilities); and health plan. COMAR 14.31.02.05(B). [There are also requirements for a proposal of a program expansion – COMAR 14.31.05 (C).]

HOW DOES GOC EVALUATE THE ADEQUACY OF A NEW PROPOSAL?

- GOC evaluates program adequacy based on (1) completeness of proposal; (2) adequacy in meeting detailed requirements set forth just above (in COMAR 14.31.02.05); (3) any prior denial of licensure, sanction taken, or corrective action required by an agency of the program or the program's parent corporation; and (4) community, county, or regional resource development needs as specified by either the Children's Cabinet or an agency. COMAR 14.31.02.06(A)

WHAT HAPPENS AFTER GOC REVIEWS A PROPOSAL?

•GOC does one of 3 things: (1) certifies the program as adequate and refers it to a licensing agency; (2) requires that a program administrator address inadequacies before a panel (composed of GOC and two other agencies); or (3) returns the proposal with instructions for resubmission. If no resubmission occurs within 60 days, the request is considered withdrawn. COMAR 14.31.02.06(B), (C), (E)

WHAT HAPPENS AFTER THE PANEL REVIEWS A PROPOSAL?

The panel must (1) certify the proposal as adequate and recommend referral to a licensing agency; (2) return it for possible resubmission; and (3) for resubmissions, recommend that the proposal be referred to the licensing agency without certification that the requirements have been met. COMAR 14.31.02.06(D)

II. GROUP HOME LICENSING BY AN AGENCY

Authority: COMAR Title 14, Subtitle 31, Chapters 5, 6, and 7 (Licensing and Monitoring of Residential Child Care Program; Standards for Residential Child Care Programs; and Specilized Licensing Standards); COMAR 14.31, Chapter 2 (Interagency Coordination). Again, below is just a summary.

HOW IS GROUP HOME DEFINED?

"Group home" is defined in the licensing and monitoring regulations as "a facility owned, leased, or operated, by a licensee that provides: (a) Residential services for youths such as care, diagnosis, training, education, and rehabilitation, and (b) A group living experience." COMAR 14.31.05.03.B(16).

HOW DOES AN APPLICANT GET A GROUP HOME APPLICATION?

After the applicant completes a proposal through GOC and the Single Point of Entry, GOC designates a licensing agency and that agency sends the applicant an application. COMAR 14.31.05.05(A).

WHAT ARE THE RELEVANT TIMEFRAMES?

After the agency sends the applicant an application, the applicant has 6 months to submit it. After the applicant submits the application, the agency has 60 days to evaluate the application, inspect the proposed physical plant, and propose to issue or deny the license. COMAR 14.31.05.05(B)

HOW DOES AN AGENCY EVALUATE THE APPLICATION?

The agency (a) issues or denies the program in accordance with the regulations of the licensing agency; or (b) denies a license or suspends consideration of the application, based on the relevant experiences and actions of other agencies with programs or facilities operated by the provider's parent corporation, including: denial of licensure; sanctions, including suspension or revocation of licensure; and corrective action requirements. The agency then issues a written licensing report, and submits the report to the provider and GOC. COMAR 14.31.02.08(A)(4)

WHAT DO THE REGS SAY ABOUT MULTIPLE PROGRAMS OR FACILITIES?

A provider may operate multiple programs or facilities licensed by different agencies. But an individual program or facility may not be licensed by more than one agency. COMAR 14.31.02.07(D). And each physical plant requires a separate license. COMAR 14.31.05.05(D).

DO ADDITIONAL REGULATIONS APPLY FOR THE LICENSING OF SPECIALIZED PROGRAMS?

Yes, there are additional specialized licensing regulations for State-operated residential educational facilities; secure care programs; wilderness programs; programs for medically fragile children; programs for children with developmental disabilities; shelter care programs; programs for pregnant adolescents; mother infant-programs; therapeutic group homes; community mental health programs providing residential crisis and respite care services; therapeutic group homes; and programs for youth with developmental disabilities. COMAR 14.31.05.02; COMAR 14.31.05.07; COMAR 14.10.22.07. COMAR 10.22

ARE THERE SEPARATE REGULATIONS FOR PROVIDERS THAT PLAN TO OPERATE AN EDUCATIONAL PROGRAM ON-SITE, WITHIN THE GROUP HOME?

Yes. See COMAR 13A.09.10.

HOW LONG DOES A LICENSE LAST?

Unless revoked or suspended, a license is valid for 2 years. COMAR 14.31.05.05(C). A provider must seek renewal 120 days before the license expires, and the agency has 60 days to grant or deny a renewal. If an agency proposes to deny an application, the agency must give the provider written notice to include: (1) the facts warranting denial; (2) citation to the regs upon which the denial is based, and (3) notification that the provider may request a hearing before denial. COMAR 14.31.05.10(A).

DO THE REGS ARTICULATE STANDARDS THAT GROUP HOMES MUST MEET AND MAINTAIN?

Yes. COMAR 14.31.06 sets forth standards with respect to governance; personnel administration; employee duties and qualifications; physical plant; emergency planning; general safety and transportation; general program requirements; a child's basic life needs (food, clothing, personal hygiene, sleep, etc); children's right and services; health care; child abuse and neglect; and discipline. In addition, COMAR 14.31.04 sets forth requirements for group incorporation and financial operation (e.g. a mandatory budget, financing plan, liability and fire insurance, annual audit, compliance with unemployment and workers' compensation). The licensing agency must monitor the program at least annually and must notify GOC of its monitoring schedule. COMAR 14.31.02.08(B)

WHAT HAPPENS IF A GROUP HOME DOES NOT MAINTAIN THESE STANDARDS?

COMAR 14.31.05.08 - .11 sets forth procedures for corrective action plans and sanctions including suspension, revocation, and limitations of a program's license. In most cases, the agency must give the provider at least 20 days written notice for a sanction. However, if the agency determines that action is necessary to protect the health, safety, or welfare of the children or the general public, the agency may suspend, revoke, or limit a license without notice (i.e. take emergency action). COMAR 14.31.05.09(E). A provider has a right to a hearing under the Maryland Administrative Procedure Act when an agency proposes to: deny an application for a license; deny an application for renewal of a license; or intends to impose sanctions or suspend or revoke a license; or when the provider is subject to emergency action. COMAR 14.31.05.10. GOC must be informed of sanctions or corrective action plans imposed on a provider. COMAR 14.31.02.08(B)(4).

WHAT HAPPENS IF A PROGRAM DECIDES TO CLOSE ON ITS OWN?

The provider must give at least 30 days notice to the licensing agency and any other agency that has children placed there. The provider must also submit a written plan for the removal of the children and implement the plan (and the agency must approve the plan and oversee the children's removal), and return the license. COMAR 14.31.05.05(I)